COMMITTEE ON ELIMINATION OF RACIAL DISCRIMINATION CONSIDERS REPORT OF IRAN

5 August 2010

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The Committee on the Elimination of Racial Discrimination has considered the combined eighteenth and nineteenth periodic reports of Iran on its implementation of the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination.

Presenting the report, Gholan Hossein Dehghani, Director General for International Political Affairs at the Ministry of Foreign Affairs of Iran, said that a number of provisions had been adopted since Iran’s last periodic report to preserve the dignity and integrity of its citizens. A directive on citizen’s rights, “The Law for the Protection and Promotion of Citizenry Rights and Respect for Personal Privacy”, was issued in 2005 underscoring the rights of citizens and stressing the obligation of judicial authorities to implement them. In addition, some legal provisions on non-discrimination in the treatment of the public at large, including ethnic groups, were passed and budget allocations of up to $ 600 million were set aside for the development of less developed provinces, particularly those areas inhabited by ethnic groups. In the past five years, these provinces had received double attention and a substantial amount of special credits for the rapid promotion of living standards, the level of welfare, and the social and cultural conditions of the inhabitants of such regions.

With regard to the political participation of ethnic minorities in Iran, Mr. Dehghani said statistics relating to different elections demonstrated the extent of participation of ethnic groups in the political life of the country. The high rate of participation of ethnic groups and the vast diversity of the members of such groups in elected offices vindicated the exercise of non-discrimination in the political participation and distribution of public offices at different levels. Mr. Dehghani went on to say that there were no legal restrictions, distinctions, or discriminations against racial or ethnic groups in forming political parties, groups or non-governmental organizations.

In preliminary concluding observations, Dilip Lahiri, the Committee Expert who served as country Rapporteur for the report of Iran, noted that it was impressive what Iran had been doing in terms of economic and social development and the status of women, but having said that it was a little disappointing that there was no disaggregated population data. Iran seemed to be doing what the Committee asked it to do in terms of increasing economic and social indicators, but it was hard to evaluate these efforts because there was no data by ethnicity or race. This lack of data also made it difficult to identify and tackle discrimination and take concrete steps to combat it. Mr. Lahiri noted that it would have also been helpful to have examples of discrimination complaints filed with the human rights bodies in the country and the outcome of these complaints.

Other Committee Experts raised questions and asked for further information on subjects pertaining to, among other things, racial discrimination experienced by women who were also members of ethnic minorities; attempts by the State party to make nomadic groups sedentary and the impact this would have on their traditional way of life; discrimination against religious minorities; the supremacy of the Convention over domestic law and its applicability in courts and legal proceedings; the treatment of foreign nationals under Iranian criminal law; the participation of ethnic minorities in the political life of the country; education in native languages; and measures in place to address complaints of discrimination.

The delegation of Iran included representatives from a wide array of governmental bodies including the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Culture and Islamic Guidance, the High Council for Human Rights, the Office of the Presidency, and the Judicial Organization of the Armed Forces. There were also members of parliament and of the judiciary represented, as well as representatives from the Permanent Mission of Iran to the United Nations Office at Geneva.

The Committee will present its written observations and recommendations on the report of Iran at the end of its session, which concludes on 27 August.

When the Committee reconvenes at 3 p.m. this afternoon, it is scheduled to take up the combined sixth and seventh periodic reports of Uzbekistan (CERD/C/UZB/6-7).

Report of Iran

The combined eighteenth and nineteenth periodic reports of Iran, submitted in one document (CERD/C/IRN/18-19), says that Iran is a dwelling place of various ethnicities with a variety of cultures. Apart from maintaining the basic components of their identity, these ethnicities have also formed a unique national identity and gave unity and solidarity to the stretches of the Iranian lands. Convergence and coexistence of the ethnicities residing in this land is the fundamental advantage and characteristic of Iran in the region. Iran is still welcoming a great population of refugees. In recent years, the situation in Iraq and Afghanistan has not been favourable or encouraging for the refugees to return to their countries. Despite the lack of facilities and resources and although Iran receives insufficient international help, the Government of Iran is taking the needed measures to provide the refugees with necessities and standards of a proper lifestyle until they will voluntarily and appropriately return to their countries.

Around 250 billion Rials were earmarked in 2005 and an additional 234 billion Rials was allocated in 2006 to help with the settlement of nomadic communities. The budget is especially cognizant of the need for social justice. Many programmes have been implemented to increase the knowledge and awareness of women in nomadic communities. In this context using all legal, financial and human resources have led to remarkable promotion of the education of nomadic students. Iran’s nomadic organization has been entrusted with two tasks. One was to help with the voluntary settlement of nomadic communities and the other was to give some organization to the migration of the country’s nomadic population.

The employment rate of women in the private sector is totally different and very complex, and even differs from one province to another. The employment situation in the private sector is improving in light of the increase in independent employment and crafts associations, women non-governmental organizations and providing incentives and support to these organizations. The Ministry of Labour and Social Affairs has provided vocational training to more than one million new entrants to the employment market by allocating about 5,000 million Rials. More than 30 percent of the training centres belong to women.

Presentation of Report

GHOLAM HOSSEIN DEHGHANI, Director General for International Political Affairs at the Ministry of Foreign Affairs of Iran, introducing the report of Iran, said that the principles of non-discrimination and equality of all before the law, negation of racial and ethnic preferences, combat against racial and ethnic discrimination, recognition of local and indigenous cultures and languages and administration of judicial justice were explicitly and implicitly provided for in the constitution and a number of laws and bylaws of the country. The constitution of Iran enshrined the principles of non-discrimination and equality before the law in a wider scope than the definition of racial discrimination in the Convention on the Elimination of Racial Discrimination. Since the ratification of the Convention in 1968, its provisions were regarded as part of the domestic law of the country and could be invoked in courts and tribunals when hearing and deciding cases and they could be referred to in rulings. Iran had also ratified the amendment to Article 8 of the Convention in 2005, further proof that this Convention had been accepted as part of the domestic law of the country.

Mr. Dehghani went on to say that a number of provisions had been adopted since Iran’s last periodic report to preserve the dignity and integrity of its citizens. A directive on citizen’s rights, “The Law for the Protection and Promotion of Citizenry Rights and Respect for Personal Privacy”, was issued in 2005 underscoring the rights of citizens and stressing the obligation of judicial authorities to implement them. In addition, some legal provisions on non-discrimination in the treatment of the public at large, including ethnic groups, were passed and budget allocations of up to $ 600 million were set aside for the development of less developed provinces, particularly those areas inhabited by ethnic groups. In the past five years, these provinces had received double attention and a substantial amount of special credits for the rapid promotion of living standards, the level of welfare, and the social and cultural conditions of the inhabitants of such regions. In line with this policy, the Council of Ministers had also visited these provinces and conducted face-to-face meetings with inhabitants to learn about their problems and difficulties.

Mr. Dehghani said that Iran had been pursuing in practice its policy of combating different forms of racism, racial discrimination, xenophobia and related intolerance at national, regional and international levels. In pursuit of this policy, the State had become a leading country in the battle against apartheid and other forms of racism and had launched initiatives in the context of dialogue among civilizations and cultures. For example, Iran presented the initiative of cultural diversity resolution, which had been on the agenda of the United Nations General Assembly for several years and had been adopted on an annual basis. It had also raised the idea of the Non-Aligned Movement Foreign Ministerial Meeting on Human Rights and Cultural Diversity. The outcomes of this meeting were the “Tehran Declaration and Plan of Action” on human rights and cultural diversity as well as the establishment of the Non-Aligned Movement’s Centre for Human Rights and Cultural Diversity in Iran. Among the strengths of the Tehran Declaration were: raising the concept of inter-cultural dialogue and denunciation of cultural hegemony; and reiterating the collective aspects of cultural rights and defining the roles of governments, governmental and non-governmental bodies in promoting respect for cultural diversity. Iran had not only actively participated in the organization of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; it had also actively contributed to the Durban Review Conference and its final document.

In terms of hate speech, Mr. Dehghani said that there were laws that provided for the punishment of racist propaganda as well as ethnic and racial supremacy and the dissemination of racist ideas. Part of the press law stated that one role of the press in the country was to discourage false and fabricated material aimed at sowing discord and leading to confrontation of ethnic groups on the basis of race, language, customs, traditions, etc. In view of the mixed demographic composition and peaceful coexistence of Iranian ethnic groups during the past millennia, there had been no cases of propagation of racism in the Iranian press or public media.

With regard to Article 5, pertaining to political participation, Mr. Dehghani said public affairs must be conducted on the basis of public votes and general elections and referenda. The statistics relating to different elections demonstrated the extent of participation of ethnic groups in the political life of the country. The high rate of participation of ethnic groups and the vast diversity of the members of such groups in elected offices vindicated the exercise of non-discrimination in the political participation and distribution of public offices at different levels. Mr. Dehghani went on to say that there were no legal restrictions, distinctions, or discriminations against racial or ethnic groups in forming political parties, groups, non-governmental organizations, etc.

Freedom of expression was exercised and encouraged for ethnic groups in Iran, according to Mr. Dehghani. This was done via broadcast programmes, provincial channels in ethnic languages, and support for student journals and newspapers in ethnic languages. The publication of books and journals in local languages and the organization of provincial book fairs had considerably increased.

On the issue of economic, social and cultural rights, Mr. Dehghani said that more money had been allocated to ensure the enjoyment by ethnic groups of their rights to occupation, housing, health, education, and participation in cultural activities. The process of poverty alleviation and improvement of the conditions in less developed provinces had also increased. The implementation of power supply projects and the provision of medical treatment insurance in rural areas and less developed regions were among the recent activities carried out in such areas.

With regards to the judiciary, courts were obliged to hear complaints without discrimination at all stages of proceedings and issue rulings based on the related legal provisions. Mr. Dehghani noted that based on surveys conducted by the relevant authorities, there were no reports thus far of acts of discrimination or failure by judicial authorities to hear cases submitted by members of the ethnic groups. It was also notable that a number of judicial authorities in the country were members of ethnic groups. In addition to public courts, Mr. Dehghani said that special branches of court had been set up in provinces inhabited by ethnic groups to hear exclusively the cases related to civil rights violations of citizens. A High Council for Human Rights had also been established to investigate complaints of private citizens and non-governmental organizations, both at home and abroad, of human rights violations.

Mr. Dehghani then turned to measures the State party had taken to raise awareness of the Convention within Iran. The State party organized training workshops for non-governmental organizations, as well as researchers, students and human rights defenders. In these seminars, international human rights treaties and mechanisms were duly explained. Such workshops had resulted in an increased awareness of the contents of the Convention and other human rights treaties and encouraged non-governmental organizations to interact more actively in the human rights field. Such activities had also resulted in the promotion of public understanding of human rights themes and a greater appreciation of the role of human rights bodies. The Ministry of Foreign Affairs had also taken the necessary measures to include civil society groups in human rights events such as the sessions of the Human Rights Council and the preparation of periodic reports.

Statement by Rapporteur on Report of Iran

DILIP LAHIRI, the Committee Expert serving as country Rapporteur for the report of Iran, commended Iran for the adoption of far-reaching and forward looking economic, social and cultural measures which had achieved improved standards through economic growth and welfare programmes, and enhanced basic social and infrastructural services in less developed areas inhabited by ethnic minority groups. There had been significant advancement in the situation of women as a result of strategic national policies and programmes for their economic, social and cultural development, which was particularly remarkable given the background of continued gender-based discrimination. Iran had also made major contributions to the enrichment of human civilization and culture and had shown its commitment to broad engagement with the international community with various important initiatives on these matters.

Iran had ratified the Convention without any reservations in 1968, more than ten years before its Islamic revolution and the adoption of its current theocratic constitution based on Shia Islam. Its engagement with the Committee on the Elimination of Racial Discrimination had accordingly faced the continuing challenge of harmonizing the provisions of this constitution with Iran’s responsibilities under the secular, non denominational approach to the elimination of racial discrimination embodied by the Committee.

Perhaps due to this, successive periodic reports of Iran under the Convention had still not managed to clarify the status of the Convention under Iran’s domestic law. In response to the Committee on the Elimination of Racial Discrimination’s last concluding observations, Iran had clarified that all provisions of the Convention were automatically incorporated into Iranian domestic law. What was the Committee to make then of the differential treatment of persons under the civil code in matters related to inheritance, or the penal code on punishments for various offences? Was there a hierarchy between these different prescriptions and which took precedence?

The report itself was detailed and informative and generally conformed to the Committee’s guidelines, but in crucial areas there was insufficient information to enable the Committee to examine practical implementation of the Convention in Iran. For example, it was generally accepted that almost half the population of Iran comprised minority ethnic groups, and over 40 per cent of the population used languages other than Persian. The State party’s report made frequent mention of deprived regions and underdeveloped communities and the financial allocations made to correct this situation. Despite repeated requests from the Committee however, it had not received details regarding the demographic composition and make up of Iran’s population, and economic and social indicators, disaggregated by ethnicity. The Committee’s rule of thumb approach was to suspect racial discrimination, direct or indirect, whenever there were marked and persistent disparities in indicators between ethnic groups. In this context, Mr. Lahiri said it would be useful to obtain a clarification of the use of the terms “ethnic group”, “tribe” and “nomadic communities” in the State party’s report.

Despite constitutional guaranties of equality, members of ethnic and religious minorities appeared to be subject to various discriminatory civil and penal laws. Mr. Lahiri said it would be good if the State party explicitly confirmed that a variety of freedoms were protected both under law and in practice, and indicate avenues for redress if these freedoms were contravened. This request was made in light of persistent reports that: members of minority groups disproportionately faced unfair trials, were disproportionately represented on death row and were executed in disproportionate numbers; candidacy for election to public office and state employment were subjected to ideological selection criteria; access to higher education could also be subjected to ideological scrutiny; discriminatory practices and harassment of certain groups; and the situation of women from ethnic minorities, who could be at risk for double discrimination.

Mr. Lahiri then turned to the question of religion. He said it would be helpful to have further clarification on the implication of the terms “official religion”, “recognized religion”, and the situation of those like the Baha’is and others who did not come under any of these categories. During its Universal Periodic Review, the State said Baha’is “enjoy all citizens’ rights”. What was meant by “citizens’ rights” and did they cover all the rights protected under the Convention? What were the temporal and material disabilities faced by people who did not belong to the official and recognized religions under Iran’s civil and penal codes?

Regarding the administration of justice, Mr. Lahiri wanted to know which governmental institution was responsible for combating racial discrimination and receiving complaints from victims of racial discrimination. The delegation was also asked to comment on complaints lodged, prosecutions launched, and penalties imposed in cases of offences related to ethnic or racial discrimination. The delegation was also asked to provide an update on the process to establish a national human rights institution.

Lastly, Mr. Lahiri wanted to know if the results of the last periodic review were publicized in the State party and made available to the public in various languages.

Additional Questions Raised by Experts

A Committee member asked the delegation to elaborate on what it meant when it referred to “special measures” for ethnic minorities in its report. The Expert also wanted to know the quality and quantity of complaints received by the national human rights institution established in 2005. What was the status of religious minorities in the country? The member also asked if ethnic minorities could receive education and instruction in their native language. It was noted that the current periodic report did not address the concerns previously raised by the Committee about freedom of the press and the application of the Press Law of 1985.

The next Committee member to speak asked the delegation to comment on concerns about the rights of women in Iran, as racial discrimination and gender discrimination were often linked and cross cutting issues and it was difficult to talk about one type of discrimination without addressing the other. The Expert also asked what role, if any, civil society organizations played in the preparation of the periodic report.

A Committee Expert asked if certain draft legislation under consideration would affect the application of the Convention, as there seemed to be provisions in the proposed legislation that would undercut the rights enshrined in the Convention. It was then noted that demographic information provided by the State party was provided by province, but not for the country as a whole. The periodic report referred to “tribal people” and the Committee Expert wanted to know if they were indigenous people as defined by the United Nations and International Labour Organization and whether the delegation could provide information on their situation as regards to education and health. There were also references to efforts of the State to make nomads sedentary. What was their status in terms of economic rights, access to education, and access to health? The report also mentioned a national human rights committee, and the delegation was asked for more information on its composition and activities.

The next Committee Expert focused the intervention on Article 5 regarding the rule of law, equal treatment under the law, due process and the judiciary. The Committee Expert expressed concerns about the treatment of foreign nationals in Iran, and reports that their detentions were arbitrary, unduly long and not transparent. Could the delegation provide more information on Iran’s judicial system with particular focus on its treatment of foreign nationals and conditions in prisons? This included the treatment of dual nationals, although Iran did not recognize people with dual citizenship. The Committee member said it was important that these processes were more transparent so that people could understand them, and it was also a right for people to know their fate.

A Committee Member noted that there seemed to be a contrast between the positive aspects highlighted in the periodic report and the concerns expressed by other United Nations bodies and non-governmental organizations. The Expert asked whether Islamic law prevailed over international law or was it the other way around. The Expert acknowledged this was a delicate issue and expressed respect for all religions, but the pre-eminence of universal human rights law was the prime concern for this Committee. How far did the strict interpretation of Islamic law go and could it not lead to discrimination against ethnic and religious minorities, foreigners, and women? What measures had been taken regarding the Committee’s recommendation to allow students to register at university without having to first indicate their religion? What measures had been taken to provide the Committee with statistics on complaints of racial and ethnic discrimination and prosecutions of such complaints? A lack of complaints did not mean that there was no discrimination; it could mean that victims were not aware of their rights or had little trust in the Government or feared retaliation or reprisals if they did file complaints. The Expert then asked for more details about discrimination in the application of justice in Iran. Lastly, the Expert asked for more details on several governmental bodies, including the institution for combating racial discrimination, the body responsible for dealing with victims’ complaints, the high council of human rights and the national committee to promote the rights of religious minorities.

A Committee Member noted that while the report of Iran touted the rights of women in the country and their access to professions, they were not well represented on the delegation appearing before the Committee; there was only one woman on a delegation of 15 people. The Committee Expert did find it positive that the State party had undertaken a number of measures and cooperative relationships in terms of raising awareness about human rights in the country. Having said that, the Expert asked for clarification on the independence of the high council of human rights since the body was headed by the chief justice and was made up of government officials.

Several Committee Members raised concerns about State party attempts to make nomadic groups sedentary and the impact this would have on their way of life. Had the groups been consulted about this? Were they of the Muslim religion or did they practice other faiths? If one wanted to develop programmes for a population, their history and way of life had to be taken into consideration because cultural diversity was a form of wealth for the community. What safeguards were put into place to ensure that people who wanted to practice that way of life were able to do so?

A Committee Expert asked how women could actively participate in the new bodies that were being developed, or had been developed, to combat discrimination. It was noted that strides had been made in terms of the progress of women, but the Expert asked about the double burden of racial and gender discrimination in the country and whether minority women were consulted in the preparation of this report and their participation in these new anti-discrimination bodies.

A Committee Member asked the delegation for an update on the status and treatment of the Baha’is in Iran as well as clarification on how “nomadic” schools worked. The Committee Member also wanted more information on women who could be condemned to death by stoning for the crime of adultery.

The delegation was asked by another Committee member if there were any statistics kept on hate crimes, or crimes committed because of race or ethnicity. Also, what access did Kurds have to education and were there any groups that were considered indigenous groups in Iran? In terms of the press law, how did the Government define the creation of a division in the community, which could be prosecuted under the law? Could Sunni Muslims realize their right to education in mosques?

The Committee Chairperson observed that normally the Committee did not raise questions about religious discrimination, but in this case it made sense because apart from the intersections of race and religion, it was also a human rights issue as was the issue of women’s rights. The Chairperson also noted that with all the controversies going on it was often overlooked that Iran had a splendid civilization going back many centuries and their culture and literature was among the greatest in the world and these positive aspects tended to be obscured.

Response by Delegation

The delegation began their response by addressing questions regarding religious discrimination. It was the delegation’s stance that Article 5 of the Convention did not cover religious issues, including issues of Baha’is and similar cases, and this topic was not part of the mandate of the Convention and the delegation expected the section of recommendations in the concluding observations provided by the Committee not to touch upon such issues.

The delegation then turned to questions raised about several national human rights institutions, including the National Council on Human Rights. The National Human Rights Council was comprised not just of government officials, but academics and researchers and members of civil society groups, as well as women’s groups representing women’s rights. The Council’s duty was to make policies, coordinate human rights activities in the country, and receive complaints on human rights violations at home and abroad. It considered a range of questions including the questions of ethnic groups. Iran had also accepted the recommendation by the Universal Periodic Review on the creation of national human rights institutions.

In terms of the preparation of the current report, a broad based committee consisting of representatives from a number of governmental and non-governmental organizations contributed to the development of this report. The members of this committee submitted information in view of the concluding observations of the Committee on the Elimination of Racial Discrimination on the last report and how the country was progressing in complying with those recommendations. The concluding observations from the Committee were translated and made available to the public, as well as the questions Committee Members had asked.

The delegation then turned to the numerous questions raised about the status of women in the country. According to the 2006 census, women made up 49 per cent of the total population. In recent years, women had been more fully integrated into the fabric of Iran’s society and economy. In the past decade, the index of female economic participation had shown a 72 per cent increase, with the formal employment rate for women rising to 13.6 per cent. Women’s participation in academia had increased from just 1 per cent in 1979 to almost 30 per cent in 2009 and almost 40 per cent of specialized medical doctors in the country were women. Such achievement was the result of the indiscriminate access by all to free primary and higher education.

With regards to access to higher education for women, the delegation said that female students accounted for about 70 per cent of the total number of university applications in 2008. This was a 192 per cent increase from the last decade. Women’s participation in the social and political life of the country had also increased considerably. Women were breaking career stereotypes by becoming fire fighters, pilots, police officers and joining other non-stereotypical professions. Women were also increasing their numbers in the managerial realm. There were 12 female members of parliament, two vice-presidents and a minister of health. Women also occupied high positions in other government ministries as well as in provincial and municipal governments. The delegation also thought that it was important to note that at least one third of the members of city councils around the country were women.

The Government had worked to increase the representation of women through numerous empowerment programmes. For example, in order to increase women’s economic opportunities and participation, the Government had awarded 230,000 women’s small and medium sized enterprises bank loans and grants, which equalled one sixth of the total number of small and medium sized enterprises at the national level. Through a joint government and private sector initiative, more than 48,000 female university graduates were recruited by the private sector upon completion of their vocational training. Women’s access to technical and vocational training centres and the variety of vocations they were trained for was by far unmatched in the region.

In order to bridge the employment gap between men and women, the delegation said the Government had recently passed a bill pertaining to home-based jobs. The bill provided, among other things, for women’s access to credit and equipment to start their home-based business. This would allow women to have easier access to jobs run from their homes and helped strike a balance between work and family obligations, as required by the International Labour Organization. In addition, in 2009 the Presidential Office called for the creation of the Women Socio-Cultural Council, consisting of nine committees to accommodate policy and coordination among government institutions aiming at the promotion of women in education, law, cultural and social affairs, the economy, employment, international affairs and health. The Special Office of Women’s Affairs had also been established.

The delegation then touched upon the status of the Convention in the legal realm of the country. When treaties were ratified, all the provisions became binding and part of the domestic law of Iran and all legal principles were applied in the civil code. Judges and lawyers could invoke the statues of the Convention in legal proceedings. The delegation noted however that the primacy of international law over domestic law had not been recognized by Iran, but the truth was that this international law had always been recognized upon the ratification of treaties and there was no domestic law that would prejudice international law. In fact, in 2005 the amendment to Article 8 of the Convention was ratified and endorsed by the Guardian Council and this was evidence that the Convention and all its provisions had been recognized and were applied in Iran.

With regards to allegations of unfair treatment of ethnic groups in the penal justice system, the delegation said indications of race, colour, ethnicity and other racial considerations were not regarded as criteria for the prosecution of cases or in court proceedings and was taken into consideration. The delegation had doubts about the nature of this question, but it did say that there were recognized ancestral lands in border regions and certain provinces and they enjoyed special social structures and were prone to crimes such as the trafficking of goods and drugs. So the rate of prosecution depended on the number of crimes committed in each region, and there were a larger number of cases among these ethnic groups in these regions. There were other factors that led to higher crime rates, for example immigration to Tehran province had led to the commission of more crimes there.

Regarding questions raised about the judiciary and citizens’ rights, the delegation said that citizens’ rights were defined as all rights by virtue of law may be entrusted to all Iranian nationals or other foreign subjects residing in Iran. Some of examples of these rights were stipulated in the constitution, including equal rights before the law which included the guarantee of economic, political and social rights. In 2004 it was stipulated that discrimination was also a violation of citizens’ rights. In terms of structural measures adopted by the judiciary for the implementation of law based on the Convention, the delegation said that a secretariat had been established to oversee the implementation of the Convention’s provisions and for the protection of citizen’s rights; the secretariat included five renowned and imminent judges. A central secretariat had also been established under the directorship of the chief justice. The State had also designated certain courts in 30 provinces to address crimes and allegations with respect to infringement of citizens’ rights and the State party had also deployed inspection envoys to monitor the performance of the judiciary. The delegation also drew the Committee’s attention to measures taken to ensure that prisoners’ rights were respected as well. There were unannounced prison visits by authorities and interviews with prisoners were conducted to ascertain whether they had been treated fairly and if their rights had been upheld. Prisoners were also able to file complaints and these complaints would be investigated and action would be taken to rectify any problems found.

A Committee Member had asked a delegation how the press law against sowing discord among ethnic groups was defined and prosecuted, and the delegation said that the law stipulated imprisonment for such crimes with a maximum sentence of up to two years. This law also applied to sowing discord toward religious groups; this was also considered a crime and would be treated as such. Anyone who felt that their rights had been infringed upon under this law could file a complaint. With regards to the case of the woman accused of adultery who was awaiting sentencing and could be stoned to death, the delegation said the woman was not only accused of double adultery, but had also been found guilty of conspiracy to murder her husband. The delegation was amazed at how journals had swayed the public opinion on this matter, but in Iran anyone who murdered an innocent person could be subject to capital punishment. This case was still pending and this was one example of how the press and media politicized a situation.

Turning to the questions of political participation of ethnic groups, education in minority languages, the composition of certain ethnic groups and the five year development plans, the delegation began with the question of demographic information on ethnic groups. Every five years a population census was conducted in Iran in the 30 provinces. This information was used to determine demographic characteristics of Iranian society. Over the centuries different ethnic groups had been concentrated in certain provinces and the population of ethnic minorities could be extrapolated from this information. There were four provinces for example that accounted for most of the Azeri speakers. Exact numbers broken down by languages spoken and ethnic groupings were not possible because the information that was recorded on birth and death certificates included information on date and place of birth/death, gender, family name and such, but did not ask about ethnic identity or languages spoken. The information they gathered was sufficient to carry out the economic and social policies of the State.

In terms of the participation of Iranian ethnic groups in public life as well as the economic, social and cultural activities of the State, the delegation said in the last presidential election there were very high participation rates of ethnic minorities in the voting process. In the parliament of Iran, Azeri speakers had 40 members of parliament out of 290 seats. There were nine Arab speakers who were members of parliament, six members of parliament from Kurdistan and five members of parliament who were Baluch. There was not an indigenous population in Iran, as defined by the United Nations. There were 250 political parties in the country, including groups made up exclusively of women. The committee on minorities assisted religious minorities on issues of health and social issues as well as the themes of sports and arts and culture. Billions of rials were allocated every year for the enhancement of the structures and facilities of these groups. This office also helped in capacity building and increasing the economic potential in provinces inhabited by such groups. Religious minorities were small communities, but it was important to promote their role in the decision making of the country. As such, they had five representatives in parliament including Armenian, Jewish, and Zoroastrian representatives. Arab speakers were also represented in congress. The delegation noted that ethnic groups were well represented at the local level of government since these leaders came from the community and thus represented the mosaic that could be seen in the local population and they were elected based on personal merits and the needs of the community as expressed through voting.

The delegation said that the teaching of local languages has been prescribed, especially in universities. Children were taught in Farsi, but also in native languages. Also, the Arabic language had been taught at primary, secondary and higher education institutions since the beginning of the Islamic revolution. In recent years, the Government, by publishing books and supporting journals, TV programmes and radio broadcasts in different languages, had provided the necessary grounds for the promotion and development of the literature and culture of different ethnic groups in different provinces.

Turning to the five year development plans, the delegation explained that these plans were drafted to set priorities and strategies in areas which were of concern to the managers of the country and they were drawn up and passed by the parliament. The annual budgets were also prepared based on the priorities stipulated in the five year development plans.

Terms such as “tribe” had not been defined by the Government, but there had been a lot of debates but just for the Committee’s knowledge when a number of families were bound together through the father’s side and came from the same roots then this group of families was called a tribe. Nomadic communities, irrespective of their religion, were generally people in animal husbandry and had diverse climates because animal breeders moved throughout the country in order to find food for their herds so it was difficult to provide services to them.

With regard to the Baha’is, there was no religious or cultural identity recognized as such so this did not seem relevant for this Convention, but for clarification a specific answer had been given in the Universal Periodic Review. In terms of asking students to identify their religions when they entered university, this was only to determine the questions to ask them when they took their religious exams. It was like asking them if they wanted to live in a dorm or not, so they could require the needed facilities. In terms of public employment, people were employed based on their merits and on their performance in examinations. The delegation said that there were no religious or other criteria for hiring public employees, these decisions were based solely on merit.

The delegation then turned to the questions that were raised about the application of criminal law to foreign nationals. If a crime was committed in the territorial jurisdiction of Iran, it could be prosecuted there. The accused could exercise their rights to defend themselves and foreign nationals could engage the help of their governments as outlined in the Vienna Convention.

Before the culmination of the Islamic Revolution, many of the remote regions were neglected due to the corrupt hegemony of the prior regime. Since then the Government had given significant attention to the improvement of economic, social and cultural indices for ethnic groups in these areas to ensure a proper and decent life for them.

The delegation also shed more light on nomadic life and access to education for these groups. Over one million nomads lived in Iran and they were fully under the protection of the Government, including with regards to education and health; the Government even provided their fuel and communications equipment. There was a special division in the Government that was tasked with providing for the welfare of nomads, including education even when they were on the move. They could even vote when they were travelling.

Additional Questions and Comments from Experts

A Committee Expert reiterated concerns that new laws passed in the country could abrogate the rights guaranteed under the Convention, as this had happened in other countries, and this was why the Committee wanted a commitment from the State that this would not happen. The Committee needed data on ethnic minorities to formulate its recommendations, but the State also needed this information to formulate its policies.

Another Committee Member agreed that the presentation from the delegation did not definitely answer the question of whether international or domestic law had primacy in the country. It was also noted that there were links between racial and religious discrimination and that was what prompted many of their questions, despite the fact that religious discrimination did not necessarily fall under the purview of the Committee.

The next Committee Member to speak asked the delegation to focus on women who were members of minorities and the intersection of gender and race for their next periodic report. The Expert also asked for clarification on the delegation’s statement that certain groups were prone to criminality and it was noted that perhaps the confusion was an issue of translation.

Another Committee Member commented that discrimination could be indirect and that social policies could have unintended consequences and effects and the factual application of such policies could lead to discrimination so discrimination did not have to be intentional to exist.

Concluding Remarks

In preliminary concluding observations, DILIP LAHIRI, Committee Expert who served as country Rapporteur for the report of Iran, said that the Committee was extremely impressed by the detailed answers provided in response to the various questions Experts had asked. It was impressive what Iran had been doing in terms of economic and social development and the status of women, but having said that it was a little disappointing that there was no disaggregated data. Iran seemed to be doing what the Committee asked it to do in terms of increasing economic and social indicators, but it was hard to evaluate these efforts because there was no data by ethnicity or race. This lack of data also made it difficult to tackle discrimination if you could not identify it and take concrete steps to combat it. Mr. Lahiri urged the State party to rectify this issue in its next periodic report. Mr. Lahiri also pointed out a regulation for college students and religious identity that he said did not conform to provisions of the Convention and should be looked at more closely, as should the broader issue of harmonizing domestic law with international law. The Rapporteur noted that it would have been helpful to have examples of actions taken against people accused of hate speech. It would have also been useful to have examples of complaints filed with the human rights bodies that had been established in the country.

In summation, the presentation of Iran was impressive and Mr. Lahiri hoped to reflect this in an objective and impartial report.

GHOLAM HOSSEIN DEHGHANI, Director General for International Political Affairs at the Ministry of Foreign Affairs of Iran, in concluding remarks said that the delegation tried its best to provide detailed answers to all the questions put to it and he thanked Mr. Lahiri for his remarks and extended the delegation’s appreciation to the Committee. Mr. Dehghani said that if the Committee was going to consider religious discrimination, he hoped they would address issues of Islamaphobia and discrimination against Muslims in Europe in their upcoming meetings.

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